

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT

ORDER APPOINTING MEDIATOR

v.

CIVIL ACTION

The Court appoints _____ to mediate this action.

Mediation shall take place on or before _____. The mediation shall

be conducted in compliance with the Local Rules of this District, which provide as follows:

1. The mediator will be compensated at rates to which the parties agree or set by the judicial officer, with responsibility for payment as agreed by the parties, or assigned by the judicial officer.
2. A mediator shall not serve in a case in which the mediator's impartiality might reasonable be questioned. Possible conflicts of interest shall be promptly disclosed by the mediator to counsel and *pro se* parties.
3. The parties shall consult with each other and agree upon a mutually convenient date, time, and place for the mediation.
4. The mediator may require submission of written mediation statements. If the mediator does not require submission of written mediation statements, any party may submit a written mediation statement.
5. Written mediation statements are confidential.
6. Oral statements made during mediation are confidential.
7. Unless the court directs otherwise, the following persons shall attend the entire mediation in person:
 - A. All lead trial counsel; and
 - B. Any party who is prosecuting a claim (i.e., the plaintiff(s) and any defendant who has made a counterclaim, crossclaim, or third-party complaint).

8. Unless the court directs otherwise, any other party or his/her/its representative who is knowledgeable about the facts of the case, and who has full authority to negotiate on behalf of the party and to approve or recommend a settlement, shall attend the entire mediation in person or by telephone or other electronic means such as video-conference.
9. The mediator shall have immunity to the same extent as a judicial officer for actions taken during the course of and in connection with his/her duties as a mediator.
10. Within five (5) business days of the completion of the mediation, the mediator will file with the Clerk a report which states either:
 - A. All (or part) of the case was settled (specifying which part of the case settled); or
 - B. The case was not settled.
11. If all or part of the case was settled, the parties shall, at the mediation, place in writing the terms of the settlement, and all participants shall sign the terms of the settlement, with the mediator retaining the original. The parties shall immediately notify the chambers of the presiding judicial officer that all or part of the case was settled. Within thirty (30) calendar days of the completion of the mediation, the parties shall submit to the chambers of the presiding judicial officer, an agreed order of dismissal as to all or part of the case that was settled.

The Clerk is direct to provide copies of this Order Appointing Mediator to counsel of record, any *pro se* party, and the Mediator.

ENTER:

United States District/Magistrate Judge